

Exhibit “B”

CAUSE NO. 366-05411-2017

**ORVILLE DAVID WHITLOCK AND
CARLA WHITLOCK**

Plaintiff,

v.

**SNL DISTRIBUTION SERVICES
CORPORATION, AND JOHN
SERRANO**

Defendants.

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IN THE DISTRICT COURT

366TH JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

INDEX OF STATE COURT FILE

EXHIBIT	FILED	DOCUMENT
B		State Court File
B-1	11/09/2017	Docket Sheet
B-2	11/09/2017	Plaintiffs' Original Petition and Request for Disclosure
B-3	11/10/2017	Citation by Mailing for SNL Distribution Services Corporation
B-4	11/10/2017	Civil Citation for John Serrano
B-5	11/17/2017	Affidavit of Service for Citation for John Serrano

DOCKET SHEET
CASE NO. 366-05411-2017

**Orville David Whitlock and Carla Whitlock vs. SNL
Distribution Services Corporation, and John Serrano**

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Location: **366th District Court**
Judicial Officer: **Wheless, Ray**
Filed on: **11/09/2017**

CASE INFORMATION

Case Type: **Motor Vehicle**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number 366-05411-2017
Court 366th District Court
Date Assigned 11/09/2017
Judicial Officer Wheless, Ray

PARTY INFORMATION

Plaintiff	Whitlock, Carla	<i>Lead Attorneys</i> Ginn, John Charles <i>Retained</i> 972-854-7900(W)
	Whitlock, Orville David	Ginn, John Charles <i>Retained</i> 972-854-7900(W)
Defendant	Serrano, John	Pro Se
	SNL Distribution Services Corporation	Pro Se

DATE

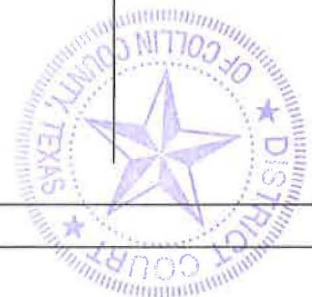
EVENTS & ORDERS OF THE COURT

INDEX

11/09/2017	 Plaintiff's Original Petition (OCA) \$298.00 <i>Plaintiffs' Original Petition and Request for Disclosure</i> Party: Plaintiff Whitlock, Orville David
11/10/2017	 Request for Citation \$8.00
11/10/2017	Citation  Serrano, John issued
11/10/2017	Citation  SNL Distribution Services Corporation issued
11/10/2017	Request for Cert Mail Only \$75.00
11/17/2017	 Service Return John Serrano

DATE

FINANCIAL INFORMATION



DOCKET SHEET
CASE NO. 366-05411-2017

Plaintiff Whitlock, Orville David
Total Charges
Total Payments and Credits
Balance Due as of 12/13/2017

389.00
389.00
0.00



Filed: 11/9/2017 2:00 PM
Lynne Finley
District Clerk
Collin County, Texas
By Rosanne Munoz Deputy
Envelope ID: 20619869

366-05411-2017

CAUSE NO. _____

**ORVILLE DAVID WHITLOCK AND
CARLA WHITLOCK,
Plaintiffs,**

V.

**SNL DISTRIBUTION SERVICES
CORPORATION, AND JOHN
SERRANO,
Defendants.**

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IN THE DISTRICT COURT

_____**JUDICIAL DISTRICT**

OF COLLIN COUNTY, TEXAS

**PLAINTIFFS' ORIGINAL PETITION
AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Orville David Whitlock and Carla Whitlock, hereinafter called Plaintiffs, complaining of and about SNL Distribution Services Corporation and John Serrano, hereinafter called Defendants, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 3.

PARTIES AND SERVICE

2. **Plaintiff, Orville David Whitlock**, an individual whose address is 1403 Red Oak Circle, Farmersville, TX 75442.

3. The last three numbers of Orville David Whitlock driver's license number is 991. The last three numbers of Orville David Whitlock's social security number are 229.

4. **Plaintiff, Carla Whitlock**, an individual whose address is 1403 Red Oak Circle, Farmersville, TX 75442.

5. The last three numbers of Carla Whitlock driver's license number is 892. The last three numbers of Carla Whitlock's social security number are 446. The last three numbers of Carla Whitlock's social security number are 446.

6. **Defendant SNL Distribution Services Corporation**, a Domestic For-Profit Corporation based in Alabama, may be served with process by serving Defendant's registered agent at the following address: Capitol Corporate Services, Inc., 2 North Jackson Street, Ste 605, Montgomery, AL 36104. Service of said Defendant as described above can be effected by **certified mail return receipt requested**.

7. **Defendant John Serrano**, an Individual who is a resident of Arkansas, may be served with process at his home residence at the following address: 1604 Pecan Street, Texarkana, Arkansas 71854. Service of said Defendant as described above can be effected by personal delivery.

JURISDICTION AND VENUE

8. The subject matter in controversy is within the jurisdictional limits of this court.

9. Plaintiffs seek:

a. monetary relief over \$200,000 but not more than \$1,000,000.

10. This court has jurisdiction over Defendant SNL Distribution Services Corporation because said Defendant purposefully availed itself of the privilege of conducting activities in the State of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over Defendant SNL Distribution Services Corporation, will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process. Plaintiff would show that Defendant SNL Distribution Services Corporation, had continuous and systematic contacts with the State of Texas

sufficient to establish general jurisdiction over said Defendant. Plaintiff would also show that the cause of action arose from or relates to the contacts of Defendant SNL Distribution Services Corporation to the State of Texas, thereby conferring specific jurisdiction with respect to said Defendant.

11. Venue in Collin County is proper in this cause under §15.002(a)(2) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

12. This suit arises from a December 7th, 2015, collision that occurred on the eastbound lane of the 1000th block of University Drive and the nearest intersection of Airport Drive, McKinney, Collin County, Texas.

13. Whenever it is said that any employee, servant, agent, or representative of any of the Defendants did or failed to do any act or thing, it was done in his capacity as an employee, servant agent, or representative of said Defendant, with full authorization or ratification of said Defendant, and in the course and scope of his employment as employee, servant, agent, or representative of said Defendant.

14. Specifically, whenever it is said that Defendant John Serrano did or failed to do any act or thing, it was done in his capacity as an employee, representative, servant, or agent of Defendant SNL Distribution Services Corporation, with full authorization of his employer, and in the course and scope of his employment as an employee, representative, servant, or agent of his employer.

15. Defendant SNL Distribution Services Corporation, is an interstate carrier operation, which carries cargo including general freight to manufacturing, industrial and retail customers.

At all times on December 7th, 2015, Defendant SNL Distribution Services Corporation, had the right of actual control of Defendant John Serrano.

16. On or about December 7th 2015, Defendant John Serrano was operating a 2012 Mack Truck Tractor owned by Defendant SNL Distribution Services Corporation in the course and scope of employment with Defendant SNL Distribution Services Corporation. Defendant John Serrano was operating the Truck Tractor and traveling eastbound on University Drive. Plaintiffs Orville David Whitlock and Carla Whitlock were also traveling eastbound on University Drive. Suddenly and without warning, Defendant John Serrano, changed lanes and Defendants' Truck Tractor slammed into the Plaintiffs' vehicle.

17. As a result of Defendants' negligence, Orville David Whitlock and Carla Whitlock were caused to suffer severe injuries to Plaintiffs' person and property.

18. For all relevant times, Defendant John Serrano was an employee of Defendant SNL Distribution Services Corporation, acting within the course and scope of employment. Defendant SNL Distribution Services Corporation, is responsible for Defendant John Serrano conduct under the doctrine of *Respondeat Superior*.

19. The collision referred to above was a proximate cause of the injuries and damages to Orville David Whitlock and Carla Whitlock, for which they now sue.

**PLAINTIFFS' CLAIM OF NEGLIGENCE AGAINST
JOHN SERRANO**

20. Defendant John Serrano had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances similar to those described herein. Plaintiff's injuries were proximately caused by Defendant John Serrano's negligent, careless and reckless disregard of said duty. The negligent, careless and reckless disregard of

duty of Defendant John Serrano consisted of, but is not limited to, the following acts and omissions:

- A. In that Defendant John Serrano failed to keep a proper lookout for Plaintiffs safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances.
- B. In that Defendant John Serrano failed to maintain a clear and reasonable distance between Plaintiffs motor vehicle and Defendants Truck Tractor which would permit Defendant John Serrano to change lanes without colliding into Plaintiff's motor vehicle.
- C. In that Defendant John Serrano failed to keep such distance away from Plaintiffs motor vehicle as a person using ordinary prudent care would have done.
- D. In that Defendant John Serrano *failed* to control the speed of the Truck Tractor which was hauling a significant amount of weight.
- E. In that Defendant John Serrano *failed* to apply the brakes to the Truck Tractor in a timely and prudent manner, or wholly failed to apply his brakes, in order to avoid the collision in question.
- F. In that Defendant, John Serrano *violated Transportation Code § 545.060 – Driving on Roadway Lane For Traffic (a) (2)* by failing to switch from the left lane to the right lane safely.
- G. In That Defendant, John Serrano *violated Transportation Code § 545.104 – Signaling Turns; Use of Turn Signals (b)* by *failing* to signal continuously for a minimum of 100 feet before switching to the right lane.
- H. In that Defendant John Serrano *violated the Texas Transportation Code § 545.401 – Reckless Driving*, by operating the Truck Tractor in a willful or wanton disregard for the safety of others, and specifically, Orville David Whitlock and Carla Whitlock, among other failures.

**PLAINTIFFS' CLAIM OF NEGLIGENCE AGAINST
SNL DISTRIBUTION SERVICES CORPORATION**

21. Defendant SNL Distribution Services Corporation, is independently liable for all of the acts of negligence and/or negligence per se committed on the part of its employee, Defendant

John Serrano, that proximately caused the injuries and damages in this case pursuant to the doctrines of *Respondeat Superior*, vicarious liability and/or agency, because Defendant John Serrano was acting within the course and scope of his employment when the collision occurred.

22. Defendant SNL Distribution Services Corporation is directly and independently liable for all of the acts of negligence in the lack of training Defendant John Serrano concerning operating a company vehicle, Truck Tractor, before entrusting the vehicle to Defendant John Serrano.

**PLAINTIFFS' CLAIM OF
NEGLIGENT ENTRUSTMENT AGAINST
SNL DISTRIBUTION SERVICES CORPORATION**

23. On December 7th, 2015, SNL Distribution Services Corporation was the owner of the Truck Tractor operated by John Serrano. SNL Distribution Services Corporation, entrusted the Truck Tractor to John Serrano, a reckless driver. SNL Distribution Services Corporation, knew, or through the exercise of reasonable care should have known, that John Serrano was a reckless driver.

24. As described herein, John Serrano was negligent on the occasion in question. John Serrano's negligence was the proximate cause of Plaintiffs' damages.

DAMAGES FOR PLAINTIFF, OVILLE DAVID WHITLOCK

25. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Orville David Whitlock was caused to suffer numerous physical injuries, and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff Orville David Whitlock for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Collin County, Texas;

- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Mental anguish in the past;
- J. Mental anguish in the future; and
- K. Fear of future condition.

DAMAGES FOR PLAINTIFF, CARLA WHITLOCK

26. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff Carla Whitlock was caused to suffer numerous physical injuries, and to incur the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff Carla Whitlock for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Collin County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;

- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Mental anguish in the past;
- H. Mental anguish in the future; and
- I. Fear of future condition.

DISCLOSURE REQUESTS

27. Pursuant to Texas Rules of Civil Procedure 194, Defendants' are hereby requested to disclosure to Plaintiffs, within 50 days of service of this request, the information and materials described in Texas Rule of Civil Procedure, Rule 194.2.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, David Orville Whitlock and Carla Whitlock, respectfully prays that the Defendants' be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiffs against Defendants for damages in an amount within the jurisdictional limits of the Court; exemplary damages, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code, together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Respectfully submitted,

THE MCCRAW LAW GROUP

By: /s/ Charlie Ginn
John L. (Lin) McCraw, III

Texas Bar No. 13482020
Email: lin@mccrawlawgroup.com
John C. (Charlie) Ginn
Texas Bar No. 24088878
Email: charlie@mccrawlawgroup.com
1504 First Avenue
McKinney, Texas 75069
Tel. (972) 854-7900
Fax. (972) 332-2361

**Attorney for Plaintiffs,
Orville David Whitlock and Carla Whitlock**

CITATION BY MAILING
THE STATE OF TEXAS
366-05411-2017

Orville David Whitlock and Carla Whitlock vs. SNL
Distribution Services Corporation, and John Serrano

366th District Court
Of Collin County, Texas

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: SNL Distribution Services Corporation
Registered Agent Capitol Corporate Services Inc
2 North Jackson Street
Suite 605
Montgomery AL 36104, Defendant

You are commanded to appear by filing a written answer to **Plaintiffs' Original Petition and Request for Disclosure** at or before ten o'clock A.M. on the Monday next after the expiration of twenty days after the date of service of this citation before the 366th District Court of Collin County, Texas at the Courthouse of said County in McKinney, Texas. Said Plaintiff's Petition was filed in said court, by John Charles Ginn 1504 First Avenue McKinney TX 75069 (Attorney for Plaintiff or Plaintiffs), on the 9th day of November, 2017.

Issued and given under my hand and seal of said Court at McKinney, Texas, on this the 10th day of November, 2017.

ATTEST: Lynne Finley, District Clerk
Collin County, Texas
Collin County Courthouse
2100 Bloomdale Road
McKinney, Texas 75071
972-548-4320, Metro 972-424-1460, ext. 4320



By: Rosanne Munoz, Deputy
Rosanne Munoz

The law prohibits the Judge and the clerks from giving legal advice, so please do not seek legal advice. Any questions you have should be directed to an attorney.

THE STATE OF TEXAS
CIVIL CITATION
CASE NO.366-05411-2017

Orville David Whitlock and Carla Whitlock vs. SNL
Distribution Services Corporation, and John Serrano

In the 366th District Court
Of Collin County, Texas

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: John Serrano
1604 Pecan Street
Texarkana AR 71854, Defendant

GREETINGS: You are commanded to appear by filing a written answer to **Plaintiff's Original Petition and Request for Disclosure** at or before ten o'clock A.M. on the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 366th District Court of Collin County, Texas at the Courthouse of said County in McKinney, Texas.

Said Plaintiff's Petition was filed in said court, by John Charles Ginn 1504 First Avenue McKinney TX 75069 (Attorney for Plaintiff or Plaintiffs), on November 09, 2017, in this case, numbered 366-05411-2017 on the docket of said court.

The natures of Plaintiff's demand is fully shown by a true and correct copy of **Plaintiff's Original Petition and Request for Disclosure** accompanying this citation and made a part hereof.

Issued and given under my hand and seal of said Court at McKinney, Texas, on this the 10th day of November, 2017.

ATTEST: Lynne Finley, District Clerk
Collin County, Texas
Collin County Courthouse
2100 Bloomdale Road
McKinney, Texas 75071
972-548-4320, Metro 972-424-1460 ext. 4320



By: Rosanne Munoz, Deputy
Rosanne Munoz

The law prohibits the Judge and the clerks from giving legal advice, so please do not seek legal advice. Any questions you have should be directed to an attorney.

Filed: 11/17/2017 3:13 PM
Lynne Finley
District Clerk
Collin County, Texas
By Claudia Gomez Deputy
Envelope ID: 20800702

366-05411-2017

Orville David Whitlock, etal

vs

SNL Distribution Services Corporation,
etal

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In the

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366th District Court

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Collin County, Texas

AFFIDAVIT OF SERVICE

I, Charles Gibbs, having first been duly sworn do state that:

I am over the age of eighteen (18) years, of sound mind, and am not a party to this suit, nor interested in the outcome of this matter. I have personal knowledge of the facts and statements in this affidavit, and each is true and correct.

On the date and time of November 10, 2017 at 02:00 PM, Certified Process Servers, LLC received a Citation with attached Original Petition and Request for Disclosures to be delivered to

John Serrano
1604 Pecan St., Texarkana, AR 71854

On November 11, 2017 at 08:30 AM, I delivered said documents, in person, to

John Serrano
1604 Pecan St., Texarkana, AR 71854




Charles Gibbs
PSC8623 expires: 5/31/2020

**VERIFICATION
STATE OF ARKANSAS**

Before me, a Notary Public, on this day personally appeared Charles Gibbs known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this 11th day of November, 2017.


Notary Public in and for the State of Arkansas

17-030632

